UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

COLUMBIA MEMORIAL HOSPITAL

    and

1199 SEIU, UNITED HEALTHCARE WORKERS EAST   Cases: 03-CA-120636
                                                              03-CA-122557
                                                              03-CA-124333
                                                              03-CA-124803
                                                              03-CA-124816

RESPONDENT, COLUMBIA MEMORIAL HOSPITAL'S
EXCEPTIONS TO THE ADMINISTRATIVE
LAW JUDGE'S DECISION

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Pursuant to Section 102.46 of the NLRB's rules and regulations, the Respondent, Columbia Memorial Hospital (hereinafter "the Hospital") submits the following exceptions to the recommended findings of facts and conclusions of law as set forth in Administrative Law Judge Kenneth W. Chu's January 12, 2015 Decision. Concurrently with these exceptions, the Hospital is submitting a brief that sets forth the factual grounds and legal authorities supporting the exceptions.

The Hospital takes exception to the following findings of fact and conclusions of law:

1.   Page 11, lines 45-49: The ALJ's finding that "while it may strain credibility that Northrup could not recall, it is also understandable and reasonable for an employee not to self-incriminate him or herself. That is not being dishonest. It might be evasion, but the Respondent definitely failed to articulate the objective standard in defining dishonesty to justify the suspension".

2.   Page 11, line 40: The ALJ's finding that "the subsequent two interviews conducted by Sweeney and Steenburg were not to gather additional information, but designed to have Northrup to admit she swiped Ms. Lomuscio through the entrance".

3.   Page 11, lines 40-42: The ALJ's finding that, "the two interviews were designed not to gather information, but an attempt to charge Northrup with another infraction, in this instance, the charge of dishonesty because she could not remember".

4.   Page 11, Line 25: The ALJ's finding that the record as a whole supports the fact that the Respondent had an intense interest as to whether in (sic) the Union was intending to meet after 8:00 p.m. on December 26th and I simply do not believe that Sweeney disciplined Northrup for being dishonest during her investigatory interviews".

5.   Page 12, lines 7-9: The ALJ's finding that "In the instant case, the Respondent has produced no evidence of other employees who have been disciplined for ... for being "dishonest" by failing or refusing to identify someone".

6.   Page 12, line 10: The ALJ's finding that "In this regard, the Respondent does not point to any evidence that establishes objective standards regarding what constitutes "dishonesty" except to provide example of fraud in constructively covering up potential harm to a patient and falsifying the card. (Record Exhs. 9-11)".

7.   Page 12, lines 10-13: The ALJ's finding that "No examples were proffered by the Respondent of comparative disciplines of employees charged with dishonesty for refusing to provide an answer during an investigative interview".

8.   Page 10, line 41: The ALJ's finding that "The Respondent has demonstrated its anti-Union animus in violation of Section 8(a)(3) and (11) in this case".

9.   Page 10, line 43: The ALJ's finding that "I find that Northrup's verbal warning and suspension were motivated by her Union activities ...".

10. Page 11, lines 34-35: The ALJ's finding that "While it is reasonable to assume that the cardholders would know not to swipe someone else in, it is entirely a different matter not to have written objective standards in place and to discipline an employee for that assumption".

11. Page 30, Conclusions of Law, paragraph 3: The ALJ's finding that "Respondent violated Section 8(a)(3) and (1) of the Act by disciplining Cindy Northrup with a verbal warning and suspension because she engaged in Union activity".

Respectfully Submitted:

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